

REMARKS:

Claims 1-3 and 6-48 remain in the application for consideration of the Examiner with claims 4 and 5 standing cancelled.

The correction of the claim numbering by the Examiner is noted with appreciation. The listing of claims above reflects the Examiner's amendment that corrected the previously submitted claims, which included two claims numbered 34.

Claim 2 has been amended to improve the grammar thereof.

Reconsideration and withdrawal of the outstanding rejections are respectfully requested in light of the above amendments and following remarks.

Claims 1-3, 6-9, 14-21, 27-36, and 42-48 stand rejected under 35 U.S.C. § 103(a) over Glasser (U.S. Patent No. 5,956,715) in view of PAG (Publication titled "Purveyor Administrator's Guide").

This rejection is respectfully traversed.

Glasser and PAG fail to disclose all of the limitations of claim 1, including groups of members and, separate from the groups, roles to which the groups and members can be assigned.

The Office Action equates "roles" recited in claim 1 to the "lists of user groups" in Glasser.

However, claim 1 as presently amended more clearly distinguishes from Glasser by clarifying that the present system includes member groups as well as roles that can define user rights of members as well as user rights of groups.

Similarly, PAG fails to disclose groups and roles as claimed in claim 1. Thus, combining PAG with Glasser as proposed still would fail to render claim 1 obvious.

In light of the above, it is respectfully submitted that claim 1, and claims 2, 3, 6, and 10-21 depending from claim 1, are in condition for allowance, and notice to that effect is respectfully requested.

Claims 7 and 34 include limitations similar to the limitations of claim 1 discussed above. Therefore, the discussion above in connection with claim 1 applies equally to claims 7 and 34, and the respective dependent claims of claims 7 and 34.

Accordingly, it is respectfully submitted that claims 7 and 34, and the respective dependent claims of claims 7 and 34 are in condition for allowance, and notice to that effect is respectfully requested.

Claims 10-13, 22-26, and 37-41 stand rejected under 35 U.S.C. § 103(a) over Glasser in view of PAG, further in view of HDUG (Publication titled "HomeDoor 2.0 User's Guide").

This rejection is respectfully traversed.

The proposed combination of Glasser and PAG does not disclose or suggest all of the limitations of the independent claims from which these claims depend as discussed above.

HDUG does not cure these deficiencies of the proposed combination of Glasser and PAG. So, the proposed combination of Glasser, PAG, and HDUG does not disclose or suggest all of the limitations of the independent claims from which these claims depend.

Therefore, it is respectfully submitted that claims 10-13, 22-26, and 37-41 are in condition for allowance, and notice to that effect is respectfully requested.

The Legal Standard for Obviousness Rejections Under 35 U.S.C. § 103:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable

expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); M.P.E.P. § 2142. Moreover, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988); M.P.E.P. § 2143.03.

With respect to alleged obviousness, there must be something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination. *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561 (Fed. Cir. 1986). In fact, the absence of a suggestion to combine is dispositive in an obviousness determination. *Gambro Lundia AB v. Baxter Healthcare Corp.*, 110 F.3d 1573 (Fed. Cir. 1997). The mere fact that the prior art can be combined or modified does not make the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990); M.P.E.P. § 2143.01. The consistent criterion for determining obviousness is whether the prior art would have suggested to one of ordinary skill in the art that the process should be carried out and would have a reasonable likelihood of success, viewed in the light of the prior art. Both the suggestion and the expectation of success must be founded in the prior art, not in the Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); *In re O'Farrell*, 853 F.2d 894 (Fed. Cir. 1988); M.P.E.P. § 2142.

A recent Federal Circuit case makes it clear that, in an obviousness situation, the prior art must disclose each and every element of the claimed invention, and that any motivation to combine or modify the prior art must be based upon a suggestion in the prior art. *In re Lee*, 61 U.S.P.Q.2d 1430 (Fed. Cir. 2002). Conclusory statements regarding common knowledge and common sense are insufficient to support a finding of obviousness. *Id.* at 1434-35.

CONCLUSION:


In view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and early reconsideration and a Notice of Allowance are earnestly solicited.

A Request for Continued Examination is submitted herewith that includes an authorization for charging the \$790.00 RCE fee to **Deposit Account No. 500777**. The undersigned hereby authorizes the Director to charge any additional fees that may be required, or credit any overpayments, to **Deposit Account No. 500777**. If an extension of time is necessary for allowing the Amendment and RCE to be timely filed, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) to the extent necessary. Any fee required for such Petition for Extension of Time should be charged to **Deposit Account No. 500777**.

Please link this application to Customer No. 53184 so that its status may be checked via the PAIR System.

Respectfully submitted,

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Date


James E. Walton, Registration No. 47,245
Brian E. Harris, Registration No. 48,383
Daren C. Davis, Registration No. 38,425
Michael Alford, Registration No. 48,707
Law Offices of James E. Walton, P.L.L.C.
1169 N. Burleson Blvd., Suite 107-328
Burleson, Texas 76028
(817) 447-9955 (voice)
(817) 447-9954 (facsimile)
jim@waltonpllc.com (e-mail)

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